



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/978,490	11/25/1997	ITARU KAWAKAMI	SONY-5300	4451
22850 7590 12/21/2006 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER STRANGE, AARON N	
			ART UNIT 2153	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			12/21/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

08/978,490

Applicant(s)

KAWAKAMI, ITARU

Examiner

Aaron Strange

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Examiner would like to note that the present Application has been reassigned to a new Examiner.

Response to Arguments

2. Applicant's arguments with respect to claims 26-35 have been considered but are moot in view of the new ground(s) of rejection. While some previously cited references have been used, they have been reapplied based on their applicability to the language of the new claims. Therefore, Applicant's arguments will not be addressed separately here.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 35 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 35 claims a "Web browser program" comprising a series of steps. A "Web browser program" is known to be software, therefore, the claim is directed to functional descriptive material per se, and is non-statutory. See MPEP 2106.01.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 26-35 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. With regard to claim 26, the limitation "a predetermined information processing apparatus" in lines 21-22 is unclear. It is unclear if this is the same "predetermined information processing apparatus" in the preamble. Additionally, the term "predetermined apparatus" appears in several locations (at least lines 6-7, 9, 18-19, and 31-32), and it is unclear if this is intended to be the same apparatus as the "predetermined information processing apparatus". The Examiner recommends utilizing more descriptive terms in order to clearly differentiate between the claimed devices. Claims 33-35 contain similar limitations and are rejected under the same rationale.

8. With regard to claim 28, the limitation "an HTML" is unclear. It is unclear if Applicant intends to refer to the well known HTML standard or some other type of HTML. Since it appears that Applicant intends to refer to the well known HTML standard, the Examiner recommends removing the "an" and simply stating that the information "is described in HTML".

9. With regard to claim 35, the preamble of the claim is directed to a Web browser program, but the body of the claim comprises a series of steps. A software program cannot contain steps of a method, since it is merely a collection of code. Therefore, it is unclear what Applicant intends to claim.

10. All claims not individually rejected are rejected by virtue of their dependency from the above claims.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 26-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shachar et al. (US 5,764,736) in view of Capps et al. (US 6,512,525) in further view of Official Notice.

13. With regard to claim 26, Shachar discloses an information processing apparatus configured to process information described in a language usable for describing link destinations, said apparatus comprising:

a) a receiver configured to receive said information transmitted by an information providing apparatus (at least Col 13, Lines 10-12), said information including:

1) a telephone number assigned to a line connected to a predetermined apparatus (at least Col 9, Lines 47-52); and

2) a designation of a communication method defining communication with the predetermined apparatus (at least Col 11, Lines 15-29);

wherein the telephone number and the communication method designation are embedded in text using tags (service tag) in the language usable for describing link destinations (at least Col 11, Lines 15-19);

b) a display configured to display said information received by said receiver (at least Col 13, Lines 38-40 and Col 7, Lines 44-48);

c) a pointing device configured to specify a predetermined position in said information displayed on said display (at least Col 13, Lines 41-44 and Col 7, Lines 52-55);

e) a communication controller configured to establish a communication link with the predetermined apparatus based on the telephone number, if said predetermined position specified by said pointing device is associated with said telephone number (at least Col 13, Line 61 to Col 14, Line 20);

wherein said information is communicated by a predetermined information processing apparatus that includes first and second communication modes, the first communication mode connecting to a server apparatus through the Internet (at least Col 10, Lines 35-49), the first communication mode being used to obtain the text using tags

Art Unit: 2153

having the embedded telephone number and the communication method designation (at least Col 13, Lines 10-12), and the second communication mode connecting to a telephone apparatus only through a secured public telephone network, by-passing the Internet (pure voice calls only travel through PSTN)(at least Col 13, Line 61 to Col 14, Line 20), by using the telephone number obtained in the first communication mode and using a same telephone line (at least Col 8, Lines 44-47); and

Shachar fails to specifically disclose a link display portion configured to display a visible linked object if said predetermined position specified by said pointing device is associated with said telephone number (i.e. the cursor is changed into a finger indicating that the user may press a button) (Remarks, Page 10) or a confirmation window configured to display said telephone number to confirm that a previously selected communication link with said predetermined apparatus shall be established.

Capps discloses a confirmation window configured to display said telephone number to confirm that a previously selected communication link with said predetermined apparatus shall be established (at least Col 17, Lines 4-26). This would have been an advantageous addition to the system disclosed by Shachar since it would have notified the user that a connection was going to be initiated to the telephone number, giving them the opportunity to stop the connection if it was unintentional.

The Examiner takes Official Notice that displaying a different cursor when a mouse is hovering over a link is old and well known in the art. Shachar even discloses using a browser that permits selection of hyper-links (at least Col 9, Lines 4-16), which

are known to change the cursor when a user passes over a link to inform the user that they may select the link.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to change the cursor when the user is hovered over a link and to display a confirmation window prior to connecting to the telephone number in order to inform the user when a link may be selected and to give the user the opportunity to verify that the connection was intended and give permission for its initiation.

14. With regard to claim 27, Shachar further discloses an estimated communication charge for a telephone call to communicate with said predetermined apparatus;

wherein said estimated communication charge is computed by said communication controller based on said utilized telephone number (at least Col 13, Lines 27-32). Displaying this in the confirmation window along with the number would have been obvious since it would have assisted the user in determination whether to allow the connection to start.

15. With regard to claim 28, Shachar further discloses that said information is described in an HTML (at least Col 7, Line 66 to Col 8, Line 5);

wherein said telephone number is described along with a telephone-number tag showing that what is described by said telephone number is a telephone line (at least Col 9, Lines 47-52); and

further comprising a recognition device that judges whether or not said telephone number is associated with said predetermined position based on said telephone number tag (tags are associated with buttons on the screen that are selected by the mouse)(at least Col 7, Lines 38-65 and Col 9, Lines 23-33).

16. With regard to claim 29, Shachar further discloses a telephone number selector configured to select one from a plurality of phone numbers in a case plural telephone numbers are associated with said predetermined position (at least Col 9, Lines 47-52).

17. With regard to claim 30, Capps further discloses a number adder configured to add a number required for international communication to a telephone number in a case a selected telephone number by said telephone number selector is a telephone number of a foreign country (dialing prefix is automatically adjusted based on worksite) (at least Col 17, Lines 30-37).

18. With regard to claim 31, Shachar further discloses that, in a case an attempt made by said communication controller to establish a communication link connecting said information processing apparatus to said predetermined apparatus after cutting off a line connecting said information processing apparatus to said predetermined network ends in a failure, either an attempt to establish a communication link connecting said information processing apparatus to said predetermined apparatus is again made or said communication link connecting said information processing apparatus to said

Art Unit: 2153

predetermined network is re-established (data session is resumed)(at least Col 14, Lines 2-8).

19. With regard to claim 32, Shachar further discloses that, in a case said attempt made by said communication controller to establish a communication link connecting said information processing apparatus to said predetermined apparatus ends in a failure, said information apparatus is capable of selecting either processing to again make an attempt to establish a communication link connecting said information processing apparatus to said predetermined apparatus or processing to re-establish said communication link connecting said information processing apparatus to said predetermined network (device selects to resume data session) (at least Col 14, Lines 2-8).

20. Claims 33-35 are rejected under the same rationale as claims 26-32, since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited art.

Conclusion

21. In light of the lengthy prosecution history of the present application, the Examiner would like to note that the limitations argued in the present application are not of sufficient weight or novelty to overcome the prior art of record. Limitations directed to

the interface, such as confirmations, cursor changes and retrying failed attempts are unlikely to place the application in condition for allowance. Applicant is encouraged to incorporate subject matter directed toward the actual novelty of Applicant's invention rather than well-known supplemental features.

The Examiner would also like to express willingness to conduct an interview to discuss the present application. If Applicant feels that such an interview would expedite prosecution of the present application, Applicant is encouraged to contact the examiner to schedule an interview.

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

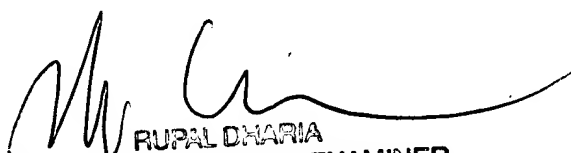
Art Unit: 2153

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Strange whose telephone number is 571-272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AS
12/11/2006


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER